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October 22, 2020

BY EFILE

Hon. Sarah Netburn, U.S.M.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Scottsdale Ins. Co. ex rel. Z Live Inc. v. 677 Eleventh Ave. Realty, LLC*
Docket No. 1:19-CV-11688 (SN)

Dear Judge Netburn:

This firm represents Defendants 677 Eleventh Avenue Realty, LLC and Manhattan Luxury Automobiles, Inc. d/b/a Lexus of Manhattan (incorrectly named as Bay Ridge Automotive Management Corp. d/b/a Lexus of Manhattan) in this matter. Defendants submit this joint letter together with Plaintiff, Scottsdale Insurance Company as subrogee of Z Live Inc. d/b/a Stage 48.

The parties write for two reasons: (1) to respectfully request a short extension of time to complete discovery, and (2) to schedule mediation with Your Honor. Due to COVID-19, the parties had previously requested, and Your Honor had granted, a single extension of fact discovery by 60 days. In that time, remaining paper discovery has been exchanged, and Plaintiff has deposed three of Defendants' witnesses.

Currently, a deposition of Defendants' fourth witness is scheduled for October 27, 2020. Defendants seek in turn to depose two of Plaintiff's witnesses. One deposition of Plaintiff's witnesses is scheduled for October 28, 2020, but due to scheduling constraints, the second witness of Plaintiff's will not be able to be deposed before October 31, 2020, which is the current fact discovery deadline. (ECF No. 27). The parties therefore jointly request a 30 day extension of time to complete the remaining deposition and to allow for any supplemental depositions to occur in the unlikely event they are needed.

Simultaneously, the parties seek to schedule a settlement/mediation session with Your Honor. The Court's schedule permitting, the parties' preference is to conduct the conference in November, regardless of whether all depositions have been completed. The parties look forward to working with Your Honor in pursuit of resolving this case.

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Should the Court have any questions, please feel free to contact me using the above contact information.

Respectfully submitted,

STEVENS & LEE

/s/ Nicholas P. Eliades

Nicholas P. Eliades

cc: Robert W. Phelan (via e-filing)